

Panaji, 2nd August, 1979 (Sravana 11, 1979)

SERIES I No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

31-1-79-Div. I

In exercise of the powers vested in him under Rule 4 sub-rule (2) of the Goa, Daman and Diu Civil Service Rules, 1967 read with rule 2 clause (d) thereof, the Administrator of Goa, Daman and Diu is pleased to declare the post of Inquiry Officer in the Directorate of Vigilance in the pay scale of Rs. 1100-1600 as Temporary Duty post of the said services for purpose of recruitment thereof till further orders.

By order and in the name of the Administrator of Goa, Daman and Diu:

V. J. Menezes, Under Secretary (Personnel).

Panaji, 25th July, 1979.

Home Department (Passports)

Notification

1/11/78-HD(P)

In exercise of the powers conferred by section 45 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (No. 6 of 1964), the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Administration of Evacuee Property Rules, 1965 as follows namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Administration of Evacuee Property (Amendment) Rules, 1979.

2. They shall come into force at once.

2. *Amendment of rule 22.*—In sub-rule (1) of rule 22 of the Goa, Daman and Diu Administration

of Evacuee Property Rules 1965, for the figures "10", the figures "20" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Home).

Panaji, 28th July, 1979.

Finance Department (Revenue and Control)

Notification

1-2-78/Fin(RC)

In exercise of the powers conferred under Rule 82(1) (ii) of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Government of Goa, Daman and Diu hereby authorises the Commissioner of Excise to exercise the powers of licencing authority under the said Rule.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Finance).

Panaji, 25th July, 1979.

Law Department (Legal Advice)

Notification

LD/1100/79

The following Rules, namely the Goa, Daman and Diu (Judicial Commissioner's Court) Legal Aid to the Poor Rules, 1979 which have been framed by the Judicial Commissioner's Court are hereby published for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st July, 1979.

Court of the Judicial Commissioner, Goa, Daman and Diu, Panaji

RULES

In exercise of the powers conferred by Article 227(2) (b) of the Constitution of India, Section 304(2) of the Code of Criminal Procedure, 1973

(Central Act 2 of 1974) and all other powers enabling in that behalf and with previous approval of the Administrator of the Union territory of Goa, Daman and Diu, the Court of the Judicial Commissioner, Goa, Daman and Diu makes the following Rules, namely:—

1. *Title.* — These rules may be called the Goa, Daman and Diu (Judicial Commissioner's Court) Legal Aid to the Poor Rules, 1979.

2. *Commencement.* — They shall come into force on their publication in the Official Gazette.

3. *Definitions.* — In these rules unless there is anything repugnant to the subject or context: —

(a) "Legal Aid" means the aid given by the Court to a person for meeting the fee of the advocate as may be prescribed from time to time and includes any other aid given in that connection as the Court may decide upon.

Provided that the legal aid is restricted to the cases triable exclusively by a Sessions Judge, Addl. Sessions Judge and in the appeals arising out of such cases tried by the said Judges.

(b) "Poor person" means a person certified to be so poor by the Mamlatdar of the Taluka or the Sarpanch of the Village where he last resided, as not having the means to engage an advocate of his own for the conduct of his case, before the Court.

Explanation. — A person whose average yearly income is not more than Rs. 2,500/- shall be considered to be poor for the purposes of these rules.

(c) "Prescribed Authority" means the Judicial Commissioner in respect of appeals and the Sessions Judge and the Additional Sessions Judge in other cases.

4. *Authority before whom application to be made.* — Every application for legal aid shall be made to the Court in which the case is pending for trial and shall be in the form appended to these Rules. No Court fee shall be payable on such application.

5. *Panel of advocates for Legal Aid.* — The appointment of the Counsel for the poor under these rules shall be made from a Panel of Legal practitioners for each Court constituted each year by the Judicial Commissioner in consultation with the President of the Bar Association. The panel should include the President of the Bar Association and two senior advocates who may be called upon to be the Pleader in any important case where legal aid is given and such other number of Junior Advocates as may be decided from time to time.

6. Notwithstanding anything to the contrary, in the case of criminal proceedings pending on the date of promulgation of these rules and to which a poor person is a party, on application in that behalf to the Court, the Pleader engaged by him shall be recognised to be the Pleader engaged by the Court under these rules and shall be paid the fees admissible under these Rules.

7. *Duration of Panel.* — (i) The panel shall be constituted every year, normally for the period from 1st January to 31st December.

Provided that the Pleader shall continue in a case, for which he is engaged till the completion of the case in his hand even if the case is not closed in that year.

(ii) All persons included in the panel shall express in writing to the Judicial Commissioner their willingness to serve on the panel and thereupon such persons shall accept engagement in any case and to appear in Court when so engaged.

(iii) Any person in the panel may tender his resignation in writing to the Judicial Commissioner.

(iv) Any vacancy in the panel caused by resignation or otherwise may be filled up by the Judicial Commissioner from the pleader practising in the Court, but the term of the person so appointed will expire on the 31st December succeeding the date of appointment.

8. If any person after having agreed to serve on a panel neglects or refuses to accept an engagement, he shall forthwith cease to be a member of the panel and shall be debarred from being re-appointed to a panel.

9. If any pleader after accepting an engagement neglects or refuses to discharge his duties properly, the Judicial Commissioner may remove the pleader and appoint another in his place. Such removal will entail the consequence mentioned in rule 8.

10. Any person serving on a panel shall be eligible for re-appointment.

11. *Fees.* — In criminal cases before the Court of Session and the Court of Additional Sessions Judge the Pleader shall be entitled to a fee of Rs. 40/- per day subject to a maximum of Rs. 200/- in the aggregate. However in exceptional case the Court may sanction a maximum of Rs. 400/- as fees. In case of appeals the Pleader shall be entitled to a fee of Rs. 65/- per day subject to a maximum of Rs. 250/- in the aggregate. However in exceptional case the Court may sanction a maximum of Rs. 400/- as fees.

12. *Disbursement of Fees.* — The fee for the pleader engaged for the poor in the Court should be disbursed by the Presiding Officer of the Court or the Registrar as the case may be on the Pleader passing a receipt to the Court accompanied by a certificate as per rule 13.

13. *Certificate.* — The Certificate to be submitted to the Court shall contain the following details: —

- (a) the number of days on which actual work is done.
- (b) the duration of work for each day.
- (c) the fee payable to him as per these rules.
- (d) the Pleader has not received any fees from the poor accused person.

14. *Courts to maintain accounts.* — The Courts shall maintain accounts of the pleader's fee paid under these rules.

15. *Pleader not to receive any fee from party.* — The pleader to whom fee is due or paid under this scheme shall not be entitled to nor shall he receive any fee from the party.

16. *Pleader to be given papers.*—Pleaders appointed under the above rules shall be furnished with the necessary papers and allowed sufficient time to prepare for the defence.

FORM
(See Rule 4)

Form of application for Legal Aid

1. Name of the Court.
2. Number of criminal and sessions cases.
3. Name, description and place of last residence of the applicant accused.
4. Average monthly income of the applicant.

I/We am/are the ... in no. ... noted above. My/Our average monthly income is Rs. ... I/We am/are not in a position to engage a pleader on my/our own in the above ... I/We, therefore, pray that the Court may be pleased to engage a pleader for me/us in the above ...

Signature of the Applicant/s

Forwarded to ... for enquiry and report before ...
Seal.

Prescribed Authority
Report of Inquiry Officer.

Sd/-
Mamlatdar-Taluka/Sarpanch
of the Village Panchayat

Seal.

By Order

Sd/-

Sd/-
Registrar.

Notification

LD/1295/79

The following Ordinances which were promulgated by the President of India on 4th July, 1979 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 11th July, 1979.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 4th May, 1979
Asadha 13, 1901(Saka)

THE RESERVE BANK OF INDIA (MAINTENANCE OF SERVICES) ORDINANCE, 1979

No. 4 of 1979

Promulgated by the President in the Thirtieth Year of the Republic of India.

An Ordinance to provide, in the interests of the general public, for the prohibition of strikes in the Reserve Bank of India.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Reserve Bank of India (Maintenance of Services) Ordinance, 1979.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance,—

(a) "Bank" or "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934; 2 of 1934.

(b) "strike" or "strike in the Reserve Bank" means the cessation of work by a body of persons employed in the Reserve Bank acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment and includes—

(i) refusal to work overtime where such work is necessary for the discharge of the functions of the Bank;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in the Bank.

3. *Power to prohibit strikes in the Reserve Bank.*—(1) If the Central Government is satisfied that in the interests of the general public it is necessary or expedient so to do, it may, by order, prohibit strikes in the Reserve Bank.

(2) An order issued under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the order.

(3) An order issued under sub-section (1) shall be in force for six months only, but the Central Government may by a like order, extend it for any period not exceeding six months if it is satisfied that in the interests of the general public it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no person employed in the Reserve Bank shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in the Bank shall be illegal.

4. *Dismissal of employees participating in illegal strikes.*—Any employee of the Reserve Bank who commences a strike which is illegal under this Ordinance, or goes or remains on, or otherwise takes part in, any such strike, shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. *Penalty for illegal strikes.*—Any person who commences a strike which is illegal under this Ordinance,

nance or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6. *Penalty for instigation, etc.* — Any person who instigates, or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. *Penalty for giving financial aid to illegal strikes.* — Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. *Power to arrest without warrant.* Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance. 2 of 1974.

9. *Ordinance to override other laws.* — The provisions of this Ordinance and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 or in any other law for the time force in force. 14 of 1947.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

New Delhi, the 4th July, 1979
Asadha 13, 1901 (Sakd)

THE ADDITIONAL EMOLUMENTS
(COMPULSORY DEPOSIT) AMENDMENT
ORDINANCE, 1979

No. 5 of 1979

Promulgated by the President in the Thirtieth Year of the Republic of India.

An Ordinance further to amend the Additional Emoluments (Compulsory Deposit) Act, 1974.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Additional Emoluments (Compulsory Deposit) Amendment Ordinance, 1979.

(2) It shall come into force at once.

2. *Act 37 of 1974 to be temporarily amended.* — During the period of operation of this Ordinance, the Additional Emoluments (Compulsory Deposit) Act, 1974 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

3. *Insertion of new section 9A.* — In the principal Act, after section 9, the following section shall be inserted, namely: —

“9A. *Deferment of repayment or payment of certain amounts.* — (1) Notwithstanding anything contained in section 9 but without prejudice to the provisos to sub-section (1) and the provisions of sub-section (5) of that section, the payment of every amount (whether by way of any instalment or interest) which becomes repayable or payable on or after the 6th day of July, 1979 under sub-section (2) or sub-section (3) or sub-section (4) of section 9 shall be deferred by one year and accordingly every such amount shall be repayable or payable in the manner provided with respect thereto in that section with interest thereon under sub-section (2) on the expiry of one year from the date on which such amount would have been, but for the provisions of this section, repayable or payable under that section.

(2) Notwithstanding anything contained in sub-section (1) of section 7, every amount (whether by way of instalment or interest) the payment whereof has been deferred under sub-section (1) shall, during the period of such deferment carry simple interest at a rate which shall be four per cent. over and above the bank deposit rate.

(3) The provisions of sub-sections (2), (3) and (4) of section 7 [including the provisions as to calculation of interest in the scheme referred to in the said sub-section (2)] shall apply in relation to any interest under sub-section (2) of this section as they apply in relation to any interest under section 7.”

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.